



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: L. Zaifman and Stephen J. Ciavaglia

Application No.: 09/954,711

Group: 2162

Filed: September 18, 2001

Examiner: Not known

For: System Resource Availability Manager

COPY OF PAPERS  
ORIGINALLY FILED

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>Dec. 20, 2001</u>	<u>Sharon G. Carlisle</u>
Date	Signature
<u>Sharon G. Carlisle</u>	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Notice to File Missing Parts dated October 29, 2001, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is at

☒ **EXECUTED DECLARATION/POA FOR PATENT APPLICATION**

*(Separate transmittal letter and postcard not required)*

☐ **POWER OF ATTORNEY DOCUMENT**

☐ **GRANTED BY INVENTOR(S)**

☐ **GRANTED BY ASSIGNEE, including Statement under 37 C.F.R. 3.73(b)**

*(Separate transmittal letter and postcard not required)*

☐ **PRELIMINARY AMENDMENT**

*(Separate transmittal letter and postcard not required)*

☒ **FILING FEE - with Fee Transmittal for Patent Applications in duplicate**

Fee calculations based on:

☒ Claims as originally filed

☐ Claims upon entry of the Preliminary Amendment filed [herewith] [with the application]

*(Separate transmittal letter and postcard not required)*

☒ **SURCHARGE - surcharge fee of \$130.00.**

*(Separate transmittal letter and postcard not required)*

20011011 11:45:56

☐ **SEQUENCE LISTING** - Filed concurrently and is attached

*(Separate transmittal letter and postcard required)*

☒ **TRANSMITTAL OF SUBSTITUTE DRAWINGS**

[12] Sheets of substitute drawings consisting of Figs. 1-12 are enclosed

*(Separate transmittal letter and postcard not required)*

☐ **PETITION FOR EXTENSION OF TIME**

☐ Applicant hereby petitions to extend the time to respond to the Notice to File

Missing Parts dated [ ] for [ ] month(s) from [ ] to [ ]

The appropriate fee of \$[ ] is included in the enclosed check

☐ A [ ] month extension of time to respond to the Notice to File Missing

Parts dated [ ] was filed on [ ] with payment of a \$[ ] fee

☐ Applicant hereby petitions for an additional [ ] month extension  
of time to respond to the Notice to File Missing Parts. The appropriate fee  
of \$[ ] is included in the enclosed check

*(Separate Petition for Extension of Time and postcard not required)*

☐ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached

*(Separate transmittal letter and postcard required)*

☐ **STATEMENT CLAIMING SMALL ENTITY STATUS**

☐ Was filed on [ ]

☐ Is enclosed herewith

*(Separate transmittal letter and postcard not required)*

☐ In view of the small entity status of the captioned application, we hereby request a  
reimbursement of 50% of the filing fees in the amount of \$[ ] which were  
paid on [ ] to be deposited in Deposit Account No. 08-0380

The fees required for filing the indicated documents are enclosed in the form of a check  
in the total amount of \$2,460.00. Please charge any deficiency or credit any overpayment in  
the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is  
enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

David J. Thibodeau, Jr.

Registration No.: 31,671

Tel.: (978) 341-0036

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Concord, Massachusetts 01742-9133

Date: 12/20/74

2025-11-24 09:54:11

O I P E

HAMILTON, BROOK, SMITH &amp; REYNOLDS, P.C.

JAN 18 2002

FEE TRANSMITTAL FOR  
PATENT APPLICATIONS

Attorney Docket Number

3085.1000-004

Application Number

09/954,711

First Named Inventor

Arthur L. Zaifman

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CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	99 - 20* =	79	x \$ 18 =	\$ 1422
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	5 - 3** =	2	x \$ 84 =	\$ 168
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 280 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 740
				Total of above Calculations =	\$ 2330
	Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =				\$
	TOTAL =				\$ 2330
	Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =				\$ 130
	Petition for Extension of Time Fee (37 C.F.R. 1.17) =				\$
	Assignment Recordation Fee = (only when filed with application)				\$
	* Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent			TOTAL =	\$ 2460

## 1. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3. ☒ A check is enclosed for \$2,460.00. ☐ Please charge \$[ ] to Deposit Account No. 08-0380.

4. ☐ Other: \_\_\_\_\_

Signature

Date

Submitted by  
Typed or Printed Name

David J. Thibodeau, Jr.

Reg. Number

31,671



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20503

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/954,711	09/18/2001	Arthur Zaifman	3085.10

## CONFIRMATION

## FORMALITIES LETTER



\*OC000000006988915\*

David J. Thibodeau, Jr.  
HAMILTON, BROOK,  
SMITH & REYNOLDS, P.C.  
Two Militia Drive  
Lexington, MA 02421-4799

COPY OF PAPER  
ORIGINALLY FILED

Date Mailed

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/24/2002 SSESHE1 00000101 09954711

FILED UNDER 37 CFR 1.53(b)

01 FC:101	740.00 OP
02 FC:103	1422.00 OP
03 FC:105	130.00 OP
04 FC:102	160.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file the required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1582.
  - \$1422 for 79 total claims over 20.
  - \$160 for 2 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the applicant, and the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.136(a) must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 2422.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each drawing sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

09954711-011902

*A copy of this notice MUST be returned with the reply.*

*Chudy*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

2003-10-24 14:56:00